

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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William J. Jordan,

Petitioner,

v.

United States of America,

Respondent.

2006 OCT 18 A 8:52

Civil Action No. 2:06-137-SB

Criminal No. 2:89-CR-117

ORDER

This matter is before the Court on the pro se Petitioner's motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255. On June 27, 2006, the Court entered a routine Order directing the Government to respond to the Petitioner's motion. However, because this Order was erroneously entered, the Court vacated the erroneously-filed Order in a separate Order, filed August 11, 2006, and notified the parties that the matter would be held in abeyance until the Fourth Circuit issued its opinion on rehearing in the case of In re Cabey. At this time, it appears that the Fourth Circuit has issued its opinion on rehearing in the case of In re Cabey, and therefore, the court no longer finds it necessary to hold the matter in abeyance.


Additionally, on September 28, 2006, the Court filed a routine Roseboro Order. However, because the Government has not yet responded to the Petitioner's motion, the Court finds that this Roseboro Order was entered in error. Accordingly, the Court vacates this Order and instead directs the government to respond to the Petitioner's § 2255 motion within forty-five (45) days from the date of this Order.

Based on the foregoing, it is

ORDERED that this Court's Roseboro Order of September 28, 2006, is hereby

vacated and is of no force or effect. Also, because the Court no longer holds the matter in abeyance, IT IS FURTHER ORDERED that the Government shall respond to the Petitioner's § 2255 motion within forty-five (45) days from the date of this Order.

IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge

October 17, 2006
Charleston, South Carolina

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